

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TYRONE GRAY, NATHAN LIAS, JR.,  
DAVID GEORGE, WILLIE JAMES  
CURTIS, EDWARD GIBSON,  
LASHENA TARVER, GREGORY  
BROWN, LEWIS PERKINS and  
RAKEEM HARVIN,

Plaintiffs,

v.

Case No. 2:20-cv-352-NPM

TRIPLE J GRASSING, LLC,  
PAMELA KOLLMANN and  
KEVIN KOLLMANN,

Defendants.

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**ORDER**

In this Fair Labor Standards Act case, the parties have filed a Stipulation for Voluntary Dismissal with Prejudice (Doc. 63). Federal Rule of Civil Procedure 41(a)(1)(A)(ii) allows a plaintiff to dismiss an action voluntarily if a stipulation of dismissal is signed by all parties who have appeared. The dismissal is effective upon filing and requires no further action by the Court. *See Anago Franchising, Inc. v. Shaz, LLC*, 677 F.3d 1272, 1278 (11th Cir. 2012). The text of the FLSA does not provide, and no Eleventh Circuit decision has ever held, that FLSA claims are exempt from Rule 41. To the contrary, the Eleventh Circuit has reasoned that the

Federal Rules of Civil Procedure apply “in actions brought under the Fair Labor Standards Act no less than in any other case.” *Vasconcelo v. Miami Auto Max, Inc.*, 981 F.3d 934, 942 (11th Cir. 2020) (holding that Rule 68’s cost-shifting provisions trump the FLSA’s cost-shifting provisions). And there is “no distinction” between the operation of Rule 41(a)(1)(A)(ii) and Rule 68 in an FLSA action. *See Casso-Lopez v. Beach Time Rental Suncoast, LLC*, 335 F.R.D. 458, 461-462 (M.D. Fla. 2020) (holding parties may terminate an FLSA case by filing either a Rule 41(a)(1)(A)(ii) stipulation of dismissal with prejudice or a Rule 68(a) notice of acceptance of an offer of judgment “and the district court is immediately powerless to interfere”).

Here, the parties stipulate to dismissing this case with prejudice and with each side to bear its own costs. Accordingly, this action is dismissed with prejudice. The Clerk is directed to enter judgment, deny all pending motions as moot, terminate any deadlines, and close the file.

**DONE and ORDERED** in Fort Myers, Florida on April 5, 2021.

  
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NICHOLAS P. MIZELL  
UNITED STATES MAGISTRATE JUDGE